

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC.

v.

**SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC., SAMSUNG SEMICONDUCTOR,
INC.**

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Case No. 2:21-cv-00463-JRG

**MINUTES FOR PRETRIAL CONFERENCE – Day 2
HELD BEFORE U. S. DISTRICT JUDGE RODNEY GILSTRAP
March 29, 2023**

OPEN: 09:09 AM

ADJOURN: 05:28 PM

ATTORNEYS FOR PLAINTIFF: See attached

ATTORNEYS FOR DEFENDANTS: See attached.

LAW CLERKS: Ryan Davies
Harris Huguenard
Jeffrey Jacobsen

COURT REPORTER: Shawn McRoberts, RMR, CRR

COURTROOM DEPUTY: Andrea Brunson, CP

TIME	MINUTE ENTRY
09:09 AM	Court opened.
09:09 AM	Court proceeded with Day 2 of pretrial conference.
09:10 AM	Court continued hearing argument re: the following disputed dispositive motions:
09:13 AM	[SEALED] Samsung's <i>Daubert</i> Motion and Motion to Strike Expert Testimony of Dr. Andreas Groehn (Dkt. No. 203).
09:14 AM	Mr. Reger presented argument for Defendants.
09:25 AM	Responsive argument by Mr. Rosen for Plaintiff.
09:34 AM	Rebuttal argument by Mr. Reger for Defendants.
09:35 AM	Court DENIED Dkt. No. 203.
09:36 AM	Court heard argument re: [SEALED] Samsung's <i>Daubert</i> Motion and Motion to Strike Expert Testimony of Dr. William Henry Mangione-Smith (Dkt. No. 204).
09:38 AM	Dr. Albert presented argument for Defendants.

TIME	MINUTE ENTRY
09:58 AM	Responsive argument by Mr. Sheasby for Plaintiff.
10:14 AM	Rebuttal argument by Dr. Albert for Defendants.
10:18 AM	Court made rulings as set forth in the record re: Dkt. No. 204.
10:23 AM	Court heard argument re: [SEALED] Netlist Inc.'s Motion to Strike Portions of the Rebuttal Expert Report of Joseph C. McAlexander III (Dkt. No. 208).
10:24 AM	Mr. Sheasby presented argument for Plaintiff.
10:48 AM	Responsive argument by Mr. Livedalen for Defendants.
11:16 AM	Rebuttal argument by Mr. Sheasby for Plaintiff.
11:16 AM	Court made rulings as set forth in the record re: Dkt. No. 208.
11:26 AM	Recess for lunch.
12:27 PM	Court reconvened.
12:27 PM	Court heard argument re: [SEALED] Samsung's <i>Daubert</i> Motion and Motion to Strike Expert Testimony of Dr. Michael Brogioli (Dkt. No. 202).
12:27 PM	Dr. Albert presented argument for Defendants.
12:55 PM	Responsive argument by Mr. Sheasby for Plaintiff.
01:03 PM	Rebuttal argument by Dr. Albert for Defendants.
01:06 PM	Court CARRIED ruling re: Dkt. No. 202.
01:06 PM	Court heard argument re: [SEALED] Netlist Inc.'s Motion to Strike Portions of the Rebuttal Expert Report of Gabriel Robins (Dkt. No. 210).
01:06 PM	Mr. Sheasby presented argument for Plaintiff.
01:18 PM	Responsive argument by Mr. Colvin for Defendants.
01:31 PM	Rebuttal argument by Mr. Sheasby for Plaintiff.
01:33 PM	Court DENIED previously carried Dkt. No. 202.
01:33 PM	Court DENIED Dkt. No. 210.
01:34 PM	Recess
02:17 PM	Court reconvened.
02:18 PM	Court heard argument re: [SEALED] Netlist Inc.'s Motion to Strike Portions of the Opening Expert Report of Joseph McAlexander (Dkt. No. 212).
02:18 PM	Mr. Sheasby presented argument for Plaintiff.
02:28 PM	Responsive argument by Mr. Livedalen for Defendants.
02:44 PM	Rebuttal argument by Mr. Sheasby for Plaintiff.
02:46 PM	Additional responsive argument by Mr. Livedalen for Defendants.
02:47 PM	Additional rebuttal argument by Mr. Sheasby for Plaintiff.
02:48 PM	Court made rulings as set forth in the record re: Dkt. No. 212.
02:55 PM	Court concurrently heard [SEALED] Netlist Inc.'s Motion to Strike Portions of Dr. Gabriel Robins' Opening Expert Report (Dkt. No. 213) and [SEALED] Netlist Inc.'s Motion to Preclude Certain Trial Testimony of Dr. Gabriel Robins Due to Violation of Magistrate's Ruling on Deposition Conduct (Dkt. No. 399).
02:56 PM	Mr. Sheasby presented argument for Plaintiff.
03:14 PM	Responsive argument by Mr. Colvin for Defendants.
03:28 PM	Rebuttal argument by Mr. Sheasby for Plaintiff.
03:30 PM	Court DENIED and provided instructions re: Dkt. No. 213. Court made rulings as set forth in the record re: Dkt. No. 399.
03:36 PM	No argument presented. Court DENIED Dkt. No. 404.

TIME	MINUTE ENTRY
03:37 PM	Court heard argument re: [SEALED] Netlist Inc.'s Opposed Motion for Leave to Supplement Expert Reports (Dkt. No. 284).
03:38 PM	Mr. Sheasby presented argument for Plaintiff.
03:40 PM	Responsive argument by Mr. Cordell for Defendants.
03:46 PM	Court made rulings as set forth in the record re: Dkt. No. 284.
03:47 PM	Court heard argument re: [SEALED] Netlist Inc.'s Motion to Compel Compliance With Trial Subpoena of Indong Kim (Dkt. No. 409).
03:47 PM	Mr. Sheasby presented argument for Plaintiff.
03:48 PM	Responsive argument by Mr. McKeon for Defendants.
03:52 PM	Rebuttal argument by Mr. Sheasby for Plaintiff.
03:53 PM	Additional responsive argument by Mr. McKeon for Defendants.
03:53 PM	Court made rulings as set forth in the record re: Dkt. No. 409.
03:55 PM	Conclusion of argument re: dispositive motions.
03:55 PM	Court directed counsel to meet and confer during recess re: narrowing of MILs.
03:56 PM	Recess.
04:17 PM	Court reconvened.
04:17 PM	Court proceeded to hear argument re: parties' remaining objections to MILs:
04:18 PM	Plaintiff's MIL 1: DENIED.
04:18 PM	Plaintiff's MIL 2: Argument presented.
04:21 PM	Court ruling: GRANTED.
04:21 PM	Plaintiff's MIL 3: Argument presented.
04:29 PM	Court ruling: DENIED.
04:32 PM	Plaintiff's MIL 4: Argument presented.
04:35 PM	Court ruling: GRANTED with instructions as set forth in the record.
04:36 PM	Plaintiff's MIL 5: Argument presented.
04:43 PM	Court ruling: GRANTED-IN-PART and DENIED-IN-PART with instructions as set forth in the record.
04:44 PM	Defendants' MIL 1: Argument presented.
04:54 PM	Court ruling: GRANTED.
04:56 PM	Defendants' MIL 2: Argument presented.
05:00 PM	Court ruling: DENIED-IN-PART and GRANTED-IN-PART with instructions as set forth in the record.
05:02 PM	Defendants' MIL 3: Argument presented.
05:11 PM	Court ruling: GRANTED.
05:14 PM	Defendants' MIL 4: Argument presented.
05:16 PM	Court ruling: DENIED.
05:17 PM	Defendants' MIL 5: Argument presented.
05:22 PM	Court ruling: DENIED-IN-PART and GRANTED-IN-PART.
05:24 PM	Conclusion of argument re: MILS.
05:24 PM	Court to refer the pre-admission of exhibits portion of the pretrial process to Magistrate Judge Payne.
05:28 PM	Court adjourned.